

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHAD GOETSCH,

ORDER

Plaintiff,

09-cv-228-bbc

v.

DR. LAETITIA LEY,
DR. MIKE VANDENBROOK and
DR. RUBIN-ASH

Defendants.

Plaintiff, a prisoner at the Columbia Correctional Institution in Portage, Wisconsin is proceeding in forma pauperis on his Eighth Amendment claims that defendants violated his rights by failing to protect him from self-harm and adequately treating his mental illness. Now before the court is plaintiff's motion for an order directing prison officials to pay the remaining balance of the filing fee from his release account. Dkt. #30. The request will be denied.

Under the Prison Litigation Reform Act, an inmate who files a lawsuit in federal court under the in forma pauperis statute must pay the \$350 filing fee, first by making an initial

partial payment and then by sending the remainder of the fee to the court in installments of 20% of the preceding month's income in accordance with 28 U.S.C. § 1915(b)(2). On October 5, 2009, I entered an order assessing plaintiff a \$17.87 initial partial payment of the filing fee, which plaintiff paid on October 14, 2009.

Although this court appreciates the initiative plaintiff has shown to pay his remaining balance promptly, he cannot use his release account funds in the manner he requests. The language in 28 U.S.C. § 1915(b)(1) suggests that prison officials are required to use a prisoner's release account to satisfy an *initial partial payment* if no other funds are available. Carter v. Bennett, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). However, with the exception of initial partial payments, I do not have the authority to tell state officials whether and to what extent a prisoner should be able to withdraw money from his release account. Because plaintiff cannot use his release account funds to pay the remaining balance of the \$350 filing fee, I will deny his motion.

ORDER

IT IS ORDERED that plaintiff's motion for an order directing prison officials to pay

the remainder of his filing fee from his release account, dkt. #30, is DENIED.

Entered this 4th day of February, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge